IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

WP(C).No. 7829 of 2007(F)

PETITIONER:

S.MOHANAN NAIR, S/O.SREEDHARAN NAIR,
AGED 52 YEARS, RESIDING AT V.B.HOUSE,
T.C.NO.295, NEAR, KARIKKAKAM SCHOOL,
SHANGUMUKHAM P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.AYYAPPAN SANKAR

RESPONDENTS:
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1. DISTRICT COLLECTOR,
COLLECTORATE, THIRUVANANTHAPURAM.

2. THE SPECIAL TAHSILDAR (L.A),
INTERNATIONAL AIRPORT, CHAKKAI,
THIRUVANANTHAPURAM.

3. STATE OF KERALA,
REPRESENTED BY SECRETARY,
DEPARTMENT OF REVENUE, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.L.G.SURESH BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) No. 7829 OF 2007 **APPENDIX**

PETITIONER'S EXHIBITS

Ext.P1: True copy of the detailed written Statement filed by the petitioner dated 15-12-2000

Ext.P2: True copy of the Award dated 22-06-2002 passed by the Land Acquisition Officer

Ext.P3: True copy of the notice dated 21-6-2003 issued by the 2nd respondeont

Ext.P4: True copy of the objection dated Nil filed by the petitioner before the 2nd respondent

Ext.P4(a): True photocopy of the application for reference dated 02-08-2003.

Ext.P5: True copy of the Communication dated 27-11-2003 issued by the 1st respondent

Ext.P6: True copy of the consent dated 21-6-2004

Ext.P7: True copy of the order dated 6-7-2004

Ext.P8: True copy of the chellan in Form dated 6-7-2004

Ext.P9: True copy of the Communication dated 10-11-2004

//True copy//

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K.PADMANABHAN NAIR, J

W.P.(C) 7829 of 2007

Dated this the 9th day of July, 2007

JUDGMENT

Heard both sides. The petitioner claims title and possession over 1.06 ares of land comprised in Survey No. 204/3 of Pettah Village. That land was acquired by the 2nd respondent for a public purpose. Initially an award was passed in favour of the petitioner by which an amount of Rs. 2,07,077/- was awarded to him for the entire land. That award was passed on 22-6-2002. The petitioner filed a petition under Section 18 (3) of the L.A Act with a prayer to refer the matter to the Subordinate Judge's Court for considering his claim for enhancement. That application was rejected on the ground that it was filed out of time. The stand of the Land Acquisition Officer is that the application for enhancement is filed after the expiry of the period of limitation. Ext.P7 produced by the petitioner shows that subsequent to the passing of the award on 22-6-2002, the District Collector as per his letter dated No.K 13.25925/97 dated 27-11-2002 invited the petitioner for a meeting to consider the dispute regarding the right to receive compensation. The District Collector wrote a letter to the Land Acquisition Officer, informing him that the petitioner was eligible for compensation for 0.81 Ares of land alone. So the Land Acquisition Officer passed a revised award on 6-7-2004 by which an amount of Rs. 1,77, 009/- alone was awarded as value for 0.81 Ares of land. The

petitioner filed an application for reference of the case to the Sub-court in Form No. 22 A on 20-7-2004. Since on 6-7-2004 the Land Acquisition Officer himself had passed an award revising the earlier award passed on 6-7-2004, the application filed under Section 18 (1) of the L.A Act, dated 20-7-2004 is perfectly within the time. So the stand taken by the Land Acquisition Officer that the application filed by the petitioner is after the period of limitation is clearly illegal. He is bound to refer the matter under Section 31(2) as well as 18 of the L.A. Act.

In the result, the writ petition is disposed of with a direction to the Land Acquisition Officer to treat the application filed by the petitiner on 20-7-2004 as one filed within the time and refer the matter under section 31 (2) and 18 of the L.A. Act for considering his claim for the value of the remaining extent of property as well as enhancement.

K.PADMANABHAN NAIR, JUDGE

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